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Date: December 9, 2008

By: /William R Bachand/
William R. Bachand Reg. No. 34980

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Hartenstein	Docket No.:	12.02
Application No.:	10/811,327	Group Art Unit:	2166
Filing Date:	March 25, 2004	Examiner:	Pham
Confirmation No.:	1373		
Title:	Systems And Methods For Managing Affiliations		

APPEAL BRIEF

Director of the USPTO
Mail Stop Appeal Brief - Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Director:

Appellant is appealing from the Final Rejection of claims 21 and 30-34 in the Office Action mailed June 13, 2008. A Notice of Appeal was properly filed October 13, 2008. **This Appeal Brief is being filed before the change in the rules that becomes effective December 10, 2008.**

I. REAL PARTY IN INTEREST

Joint inventors, Mark A. Hartenstein and Nicholas Roosevelt are the real party in interest. By assignment from the inventors, Mark A. Hartenstein and Nicholas Roosevelt, Time Eclipse, Inc., an Idaho corporation, received all right and title to the present application for patent. The Time Eclipse corporation was later *administratively* dissolved without a liquidation. Consequently, the assignment to Time Eclipse, Inc., a non-entity, is inoperative.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to the real party in interest which will directly affect or be directly affected by, or have a bearing on, the Board's decision in the present appeal.

III. STATUS OF CLAIMS

Claims 21-34 are pending. Claims 1-20 have been cancelled. Claims 22-29 have been withdrawn. Claims 21 and 30-34 stand finally rejected.

The Appellant appeals the final rejection of claims 21 and 30-34.

A copy of claims 21 and 30-34 is presented in the Claims Appendix of this Brief.

Claim 21 has been twice rejected by the Examiner. Claim 21 was added with the Request for Continued Examination filed October 18, 2007. The Examiner first rejected claim 21 as not novel in the Office Action mailed January 8, 2008. Amendments were made in the preliminary amendment filed January 7, 2008 (entered after the first rejection) and in the amendment filed March 9, 2008. The Examiner again rejected claim 21 as not novel in the Office Action mailed June 13, 2008 as amended December 8, 2008.

IV. STATUS OF AMENDMENTS

An after final amendment was filed under 37 CFR §1.116 on December 8, 2008. This amendment is presumed to be entered on the basis of an interview with the Examiner. After final rejection, an interview with the Examiner was held in which a proposed amended claim 21 was discussed. Some of the proposed amendments were not accepted by the Examiner. However, the amendments that the Examiner said were acceptable were made in the after final amendment filed under 37 CFR §1.116 on December 8, 2008.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Of the claims on appeal, only claim 21 is independent.

There are no “means plus function” limitations in the claims on appeal.

Independent claim 21 recites a computer readable medium having computer readable instructions recorded therein for being performed by a server and for providing a client browser with information regarding a plurality of affiliations. The browser is operated by a user for accurately collecting time billable to an affiliation of the plurality of affiliations.

An embodiment that is within the scope of claim 21, but does not define the limits of its scope, will be described with reference to the amended specification and amended drawing. In particular, Table 1 of the specification was amended in the amendment filed March 9, 2008. The

formal drawing was filed October 21, 2007. FIGs. 5 and 13 were amended in the amendment filed March 9, 2008.

In one embodiment, the medium is part of memory 124 of FIG. 1. The server 102 includes a processor 122 that performs an affiliation manager 136 by reading instructions from memory 124. A client 104 includes a processor 152 that performs instructions of a browser 156. The affiliation manager 136 manages a database 500, described by an entity relationship diagram of FIGs. 5 - 11 and by Table 1 on pages 21 - 41 of the specification. The database diagram of FIG. 5 shows that each Affiliation 502 includes Persons 506, Items 518, Projects 520, and FeeAccounts 522. "An item may include an appointment, a task, an expenditure, and/or a use of any resource." (specification para. 46). The database diagram of FIG. 7 shows that each Item 518 is related to a Person 506 and an ItemDate 702; and further shows that each ItemDate 702 is related to a FeeAccount 522. "Scheduled periods associated with an item are herein called ItemDates." (spec. para. 47 and FIG. 3). A user uses the browser in a session with the affiliation manager. The database diagram of FIG. 9 shows that each Session 902 is related to a Person 506 (i.e., the user for that session). Claim 21 describes the functions of affiliation manager 136 with respect to information presented by the browser 156. In one embodiment, browser 156 displays presentations of the type described by the schematic presentation of FIG. 13.

The functions recited in the claims accomplish a drill down among the entities of database 500. A concrete example may be helpful in understanding one 'use case' of the invention claimed. Assume for example that the user is a member of a bowling league and the teams take turns cleaning up the bowling alley after league play. Assume that database 500 contains records for all players (persons 506), games (task type items 518), and cleanup assignments (additional task type items 518). The league will compensate the players of the assigned team at an hourly wage who actually do the work. Assume that it is now 10pm and league play has finished for the day. Assume that the user is a male player who is a member of the team assigned to do cleanup. At 10pm the user wants the affiliation manager to begin collecting the time he is about to spend doing cleanup. The user has access to a browser 156 linked to affiliation manager 136. The browser has access to current time and date. (e.g., spec. para. 59 discussing captured time associated to a Person (user) and an ItemDate (task)). This user performs the following operations:

(1) The user begins a session that identifies his person record 506 to a new session record 902 for this particular session. Table 1 rows 506 at p. 22 describes a username and password to begin a session.

(2) Browser 156 presents a presentation of the type shown in FIG. 13.

(3) The user specifies the bowling league as the affiliation to work with by choosing the bowling league in text box 1334 (a drop down list).

(4) To find his cleanup task, the user clicks icon 1343 and views a list of person names, including his own name. The affiliation manager performs a first query of Persons 506 related to the bowling league Affiliation 502. The results of the first query are presented as a first list of rows 1364 in view region 1362. Each row of the first list has a name and some icons for the context of that row. (spec. para. 119, 120)

(5) The user finds his own name on a row of the first list 1364 and clicks a task icon 1383 in that row. The affiliation manager performs a second query of Items 518 related to the Affiliation (bowling league) and Person (user). (spec. paras. 123 and 125) The results of the second query are presented as a second list of rows (of the type shown as 1364) in view region 1362 (replacing the first list or appended to the first list). (spec. para. 119). Each row of the second list has a task name and some icons for the context of that row. In our example, the second list includes several tasks, one for each game he played that night, and one for cleanup. The row for the cleanup task has an icon for capturing time. “Icons or links may be included for capturing time and expenses to be related to the listed file (e.g. billing for review and edit

(6) To start collecting time to the cleanup task, the user finds the row for the cleanup task and clicks the timer icon 1390 of that row to start collecting time to the task of this row. (spec. para. 129) “A FeeAccount 522 collects time logged (714) by a Person when participating in or performing an Item.” (Table 1 rows 522 at p. 25 and rows 714 at p. 33).

Claim 21 reads on the example described above as follows. The scope of claim 21 is not defined or limited by this mapping.

a. presenting to the user via the browser (136) a first text box (1334), a first icon (1343 for persons), and a view region (1362);

- b. receiving from the user via the browser an operation of the text box (1334) that specifies a name of the affiliation (502, the name of the bowling league);
- c. obtaining first results of a first query of a database (500) in response to receiving from the user via the browser an operation of the first icon (1343 for persons in the bowling league), a first limit of the first query being in accordance with the name of the affiliation (502, 1334, the name of the bowling league);
- d. presenting to the user via the browser in the view region (1362) a first plurality of rows in accordance with the first results (a list of persons in the bowling league), each row presenting a respective portion of the first results (one name per row) and presenting a respective second icon (1383 for tasks assigned to the person named on the row) having functionality in accordance with the respective portion of the first results (for the row having the user's name, icon functionality is with respect to the user such as to list all games and the cleanup task assigned to the user);
- e. obtaining second results of a second query of the database in response to receiving from the user via the browser an operation of the respective second icon (1383 for tasks assigned to the user) of a first row of the first plurality of rows (names of persons), a plurality of limits of the second query being in accordance with the name of the affiliation and with the respective portion of the first results presented in the first row (the bowling league, the user's name);
- f. presenting in the view region (1362) a second plurality of rows in accordance with the second results (a list of tasks assigned to the user), each row of the second plurality presenting a respective portion of the second results (task name) and presenting a respective third icon (1390 timer icon); and
- g. beginning an accounting of time presently being spent by the user in association with the respective portion of the second results presented in a second row (cleanup task's name and icons) of the second plurality of rows in response to receiving from the user via

the browser an operation of the respective third icon (cleanup task's timer icon) of the second row of the second plurality of rows; wherein

h. the database (FIG. 9) provides access by query to a plurality of email messages (icons 1315, 1346 and/or 1387) for the user and respective information (FIGs. 5-11) for each affiliation (icons 1320 and/or 1338); and

i. each respective information includes a plurality of person records (506), a plurality of appointment records (518 and ItemType = 'appointment' in Table 1 rows 518 at p. 24), a plurality of projects (520) referring to a plurality of task records (518 and ItemType = 'task' in Table 1 rows 518 at p. 24), and a plurality of account records (714) wherein at least one account record is adjusted in accordance with the accounting of time (Table 1 rows 714 at p. 33).

Affiliation manager 136 of FIG. 1 performs process 200 of FIG. 2 that includes instructions for performing all of functions recited in claim 21. The presentation 400 described with reference to FIG. 4 and/or presentations of the type 1300 described with reference to FIG. 13 are taught as provided by process 200. "Each row [of view region 1362] corresponds generally to descriptions discussed above (e.g., 462, 463, 472). The functions discussed with reference to presentations 400 and 1300 may be combined in any suitable manner for ease of use by the user." (spec. para. 123). Rows 462 and 463 each include a respective T button 466. Row 472 includes T button 474. "By activating T button 466, a request is made to begin capturing time for this user against the FeeAccount related to the appointment Item." (spec. para. 73). "By activating T button 474, a request is made to begin capturing time for this user against the FeeAccount related to the task." (spec. para. 74).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 21 and 30-34 stand rejected under 35 U.S.C. §102 as being unpatentable over U.S. Patent Publication No. 2005/0049903 A1 by *Raja*. Claims 30-34 depend from claim 21.

Claims 21 and 30-34 stand or fall together.

VII. ARGUMENT

A. Claims 21 and 30-34 were improperly rejected under 35 U.S.C. §102 as being unpatentable over U.S. Patent Publication No. 2005/0049903 A1 by *Raja*.

As to a rejection under 102(b), “[a]nticipation requires that all of the elements and limitations of the claim are found within a single prior art reference.” *Scripps Clinic & Research Found. v. Genentech Inc.*, 18 USPQ 2d 1001, 1010 (Fed. Cir. 1991), “[F]unctional language is, of course, an additional limitation in the claim.” *K-2 Corp. v. Salomon SA.*, 52 USPQ 2d 1001, 1004 (Fed. Cir. 1999) (citing *Wright Med. Tech., Inc. v. Osteonics Corp.*, 43 USPQ 2d 1837, 1840 (Fed. Cir. 1997)). The standard for lack of novelty, that is for “anticipation,” is one of strict identity. *Schroeder v. Owens-Corning Fiberglass Corp.*, 514 F.2d 901, 185 USPQ 723 (9th Cir. 1975); and *Cool-Fin Elecs. Corp. v. International Elec. Research Corp.*, 491 F.2d 660, 180 USPQ 481 (9th Cir. 1974). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ 2d 1566 (Fed. Cir. 1990).

Appellants contend that independent claim 21, and its dependent claims 30-34, were improperly rejected because the *Raja* reference does not disclose all the elements and limitations of the claims.

Independent claim 21 recites:

21. A computer readable medium having computer readable instructions recorded therein for being performed by a server and for providing a client browser with information regarding a plurality of affiliations, the browser operated by a user for accurately collecting time billable to an affiliation of the plurality of affiliations, the medium comprising:
 - a. instructions for presenting to the user via the browser a first text box, a first icon, and a view region;
 - b. instructions for receiving from the user via the browser an operation of the text box that specifies a name of the affiliation;
 - c. instructions for obtaining first results of a first query of a database in response to receiving from the user via the browser an operation of the first icon, a first limit of the first query being in accordance with the name of the affiliation;
 - d. instructions for presenting to the user via the browser in the view region a first plurality of rows in accordance with the first results, each row presenting a respective portion of the first results

and presenting a respective second icon having functionality in accordance with the respective portion of the first results;

e. instructions for obtaining second results of a second query of the database in response to receiving from the user via the browser an operation of the respective second icon of a first row of the first plurality of rows, a plurality of limits of the second query being in accordance with the name of the affiliation and with the respective portion of the first results presented in the first row;

f. instructions for presenting in the view region a second plurality of rows in accordance with the second results, each row of the second plurality presenting a respective portion of the second results and presenting a respective third icon; and

g. instructions for beginning an accounting of time presently being spent by the user in association with the respective portion of the second results presented in a second row of the second plurality of rows in response to receiving from the user via the browser an operation of the respective third icon of the second row of the second plurality of rows; wherein

h. the database provides access by query to a plurality of email messages for the user and respective information for each affiliation; and

i. each respective information includes a plurality of person records, a plurality of appointment records, a plurality of projects referring to a plurality of task records, and a plurality of account records wherein at least one account record is adjusted in accordance with the accounting of time.

(emphasis added)

1. *Raja* does not disclose all elements and limitations of claim 21 in that a first plurality of rows in accordance with the first results, each row presenting ... a respective second icon having functionality in accordance with the respective portion of the first results ... for obtaining second results of a second query of the database in response to receiving from the user via the browser an operation of the respective second icon of a first row is absent from the reference.

As to Claim 21.d. and e. the Examiner finds in *Raja* FIG. 10 checkboxes 1013 in rows 1007 as meeting the limitation: “a first plurality of rows in accordance with the first results, each row presenting ... a respective second icon having functionality in accordance with the respective portion of the first results ... for obtaining second results of a second query of the database in response to receiving from the user via the browser an operation of the respective second icon of a first row ...”. *Raja*’s complete description of 1013 states “A manual override is available in the

form of a checkbox (1013) for each billable.” Confusingly, *Raja* shows the opposite in FIG. 10 where the button 1023 is labeled “Generate Invoice for selected Rows”. Under either interpretation of selection or manual override, checkboxes 1013 lack the claimed functionality. Consequently, checkboxes 1013 do not meet the limitation claimed.

Checkbox 1013 does not meet the limitation “obtaining second results of a second query ... in response to ... an operation of the respective second icon of a first row” at least because checkbox 1013 does not in any way invoke a query. Invoking a query is described on FIG. 10 for button 1023 as a “Generate invoice” function that relies merely on the state of checkboxes 1013 “for selected Rows”. Because button 1023 has a query function sufficient for the purpose of the Accounting Invoice Generation Screen of FIG. 10 (see paragraphs [0024] and [0138] line 1), there is no implied query function for any checkbox 1013. Checkbox 1013 does not meet the limitation expressly or by implication.

Accordingly, *Raja* does not disclose all the elements and limitations recited in Claim 21 (and consequently dependent claims 30-34). Therefore, the rejection is improper at least for this reason and should be withdrawn.

2. *Raja* does not disclose all elements and limitations of claim 21 in that obtaining second results of a second query of the database in response to receiving from the user via the browser an operation of the respective second icon of a first row of the first plurality of rows is absent from the reference.

As to Claim 21.e., the Examiner finds in *Raja* FIG. 10 the cooperation of items 1002, 1004, and 1013 as meeting the limitation: “obtaining second results of a second query of the database in response to receiving from the user via the browser an operation of the respective second icon of a first row of the first plurality of rows”. *Raja* does not describe any cooperation of item 1013 with items 1002 or 1004 whatsoever. Checkbox 1013 cannot correspond to a “second icon” as discussed above. Plainly, items 1002 and 1004 cannot correspond to a “second icon” at least because they are not part of any of the rows 1007, which the Examiner identified as the “first plurality of rows”. Consequently, nothing in *Raja* meets this limitation.

Accordingly, *Raja* does not disclose all the elements and limitations recited in Claim 21 (and consequently dependent claims 30-34). Therefore, the rejection is improper at least for this reason and should be withdrawn.

3. *Raja* does not disclose all elements and limitations of claim 21 in that presenting in the view region a second plurality of rows in accordance with the second results is absent from the reference.

As to Claim 21.f., nothing in *Raja* teaches or implies “presenting in the view region a second plurality of rows in accordance with the second results” at least because there is no “second icon” as discussed above for a user to operate to generate “second results”. Although button 1023 apparently performs a query after rows 1007 are presented, as implied by checkboxes 1013 and the legend on button 1023, nothing in *Raja* indicates that button 1023 produces a second plurality of rows 1007, which the Examiner apparently correlated to the “view region”.

Accordingly, *Raja* does not disclose all the elements and limitations recited in Claim 21 (and consequently dependent claims 30-34). Therefore, the rejection is improper at least for this reason and should be withdrawn.

4. *Raja* does not disclose all elements and limitations of claim 21 in that each row of the second plurality ... presenting a respective third icon is absent from the reference.

As to Claim 21.f., the Examiner finds rows 1007 and button 1023 as meeting “each row of the second plurality ... presenting a respective third icon”. *Raja* does not teach or suggest anything other than one plurality of rows in region 1007 as a result of filtering. Button 1023 is not part of any row of region 1007. Consequently, neither 1007 nor 1023 meet the limitation recited in the claim. Further, nothing in *Raja* teaches or implies this limitation.

Accordingly, *Raja* does not disclose all the elements and limitations recited in Claim 21 (and consequently dependent claims 30-34). Therefore, the rejection is improper at least for this reason and should be withdrawn.

5. *Raja* does not disclose all elements and limitations of claim 21 in that beginning an accounting of time presently being spent by the user in association with the respective portion of the second results presented in a second row of the second plurality of rows in response to receiving from the user via the browser an operation of the respective third icon of the second row of the second plurality of rows is absent from the reference.

As to Claim 21.g., the Examiner finds button 1023 as meeting “beginning an accounting of time presently being spent by the user in association with the respective portion of the second results presented in a second row of the second plurality of rows in response to receiving from the user via the browser an operation of the respective third icon of the second row of the second

plurality of rows”. As discussed above, *Raja* is completely silent and does not teach or suggest anything that could possibly correspond to “beginning an accounting of time”, “second results” “second row”, “second plurality of rows”, “respective third icon of the second row”, or “operation of the respective third icon”. The Examiner’s position is wholly without basis.

Further, *Raja*’s teaching of timesheet entry cannot include “beginning an accounting of time presently being spent” as recited in the claim. According to paragraph [0048] each Resource enters time on a screen shown in FIG. 2. These entries can only be made *after the total quantity of time* (called the “actual number of hours” in para. [0049]) is known to the Resource. Consequently, *Raja* merely teaches time entry in the past tense as opposed to time entry in the present continuous tense as claimed.

As to Claim 21.g., nothing in *Raja* teaches or implies “receiving from the user via the browser an operation of the respective third icon of the second row of the second plurality of rows”. There is no third icon, as discussed above.

Accordingly, *Raja* does not disclose all the elements and limitations recited in Claim 21 (and consequently dependent claims 30-34). Therefore, the rejection is improper at least for this reason and should be withdrawn.

6. *Raja* does not disclose all elements and limitations of claim 21 in that the database provides access by query to a plurality of email messages for the user is absent from the reference.

As to Claim 21.h., the Examiner found nothing in *Raja* that teaches or suggests “the database provides access by query to a plurality of email messages for the user”. Indeed, *Raja*’s only teaching about email as to notifications does not express or imply “access by query ... for the user”. *Raja* merely suggests a “push” technology as opposed to a “query” technology as claimed.

Accordingly, *Raja* does not disclose all the elements and limitations recited in Claim 21 (and consequently dependent claims 30-34). Therefore, the rejection is improper at least for this reason and should be withdrawn.

7. *Raja* does not disclose all elements and limitations of claim 21 in that each respective information includes a plurality of person records, a plurality of appointment records, a plurality of projects referring to a plurality of task records, and a plurality of account records wherein at least one account record is adjusted in accordance with the accounting of time is absent from the reference.

As to Claim 21.i., the Examiner found nothing in *Raja* that teaches or suggests “each respective information is capable of including ... a plurality of account records each adjusted in accordance with the respective accounting of time”. Because *Raja* does not teach or suggest the “accounting of time” as discussed above, nothing in *Raja* teaches or suggests “account records each adjusted in accordance with” something that does not exist in *Raja*.

Accordingly, *Raja* does not disclose all the elements and limitations recited in Claim 21 (and consequently dependent claims 30-34). Therefore, the rejection is improper at least for this reason and should be withdrawn.

VIII. CONCLUSION

Appellants contend that claims 21 and 30-34 were improperly rejected because the applied reference does not disclose all of Appellants’ claim elements and limitations. Any one of seven independent bases for this conclusion have been presented. Each basis distinguishes Appellants’ claims from the cited reference and makes Appellants’ claims not anticipated by the cited reference.

Overruling of the Examiner’s rejections of claims 21 and 30-34 is respectfully requested.

AUTHORIZATION TO PAY AND PETITION FOR THE ACCEPTANCE OF ANY NECESSARY FEES

If any charges or fees must be paid in connection with the foregoing communication, or if any overpayment is to be refunded in connection with the above-identified application, any such charges or fees may be paid out of, or any such overpayment refunded to, the credit card account identified in the electronic filing of this paper. If any such payment also requires Petition or Extension Request, please construe this authorization to pay as the necessary Petition or Request which is required to accompany the payment.

Respectfully submitted,

Date: December 9, 2008

By /William R. Bachand/
William R. Bachand
Reg. No. 34,980

Bachand Law Office
P.O. Box 54244

Phoenix, AZ 85078
Phone: 602-326-6237

IX. CLAIMS APPENDIX

After entry of the Amendment After Final, filed December 8, 2008, pending claims 21 and 30-34 are as follows:

21. A computer readable medium having computer readable instructions recorded therein for being performed by a server and for providing a client browser with information regarding a plurality of affiliations, the browser operated by a user for accurately collecting time billable to an affiliation of the plurality of affiliations, the medium comprising:

a. instructions for presenting to the user via the browser a first text box, a first icon, and a view region;

b. instructions for receiving from the user via the browser an operation of the text box that specifies a name of the affiliation;

c. instructions for obtaining first results of a first query of a database in response to receiving from the user via the browser an operation of the first icon, a first limit of the first query being in accordance with the name of the affiliation;

d. instructions for presenting to the user via the browser in the view region a first plurality of rows in accordance with the first results, each row presenting a respective portion of the first results and presenting a respective second icon having functionality in accordance with the respective portion of the first results;

e. instructions for obtaining second results of a second query of the database in response to receiving from the user via the browser an operation of the respective second icon of a first row of the first plurality of rows, a plurality of limits of the second query being in accordance with the name of the affiliation and with the respective portion of the first results presented in the first row;

f. instructions for presenting in the view region a second plurality of rows in accordance with the second results, each row of the second plurality presenting a respective portion of the second results and presenting a respective third icon; and

g. instructions for beginning an accounting of time presently being spent by the user in association with the respective portion of the second results presented in a second row of the second plurality of rows in response to receiving from the user via the browser an operation of the respective third icon of the second row of the second plurality of rows; wherein

h. the database provides access by query to a plurality of email messages for the user and respective information for each affiliation; and

i. each respective information includes a plurality of person records, a plurality of appointment records, a plurality of projects referring to a plurality of task records, and a plurality of account records wherein at least one account record is adjusted in accordance with the accounting of time.

30. (Previously presented) The computer readable medium of claim 21 wherein a second limit of the first query is in accordance with the first icon.

31. (Previously presented) The computer readable medium of claim 21 wherein the first text box comprises a text entry box having a drop down menu for supplying the name of the affiliation.

32. (Previously presented) The computer readable medium of claim 21 wherein the second plurality of rows is appended to the first plurality of rows in the view region.

33. (Previously presented) The computer readable medium of claim 21 wherein the third plurality of rows is appended to the second plurality of rows in the view region.

34. (Previously presented) The computer readable medium of claim 21 wherein the second plurality of rows replaces the first plurality of rows in the view region.

X. EVIDENCE APPENDIX

None.

XI. RELATED PROCEEDINGS APPENDIX

None.